

REMARKS

In the Office Action of June 9, 2008, claims 1, 15, 24, 34, 48, 57, 61, 75 and 84 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Larche et al. and/or Acosta et al. Reconsideration and withdrawal of these rejections are respectfully requested, for the following reasons.

The final Office Action acknowledges that Walker does not teach:

providing a plurality of checklists of data items to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review;

storing the plurality of checklists of data items to be collected;

selecting one of the plurality of checklists of data items to be collected based upon the combination of the assigned Credit Classification and the determined Type of Review

However, the Office maintains that such missed teachings or suggestions are provided by “Larche/Acosta” (See page 3).

At the outset, the Office Action states that the primary reference to Walker et al teaches “creating or updating a case folder for the requestor, the case folder including the selected checklist of data items to be collect” (Emphasis added). However, the Office also states that “Walker does not explicitly teach providing a plurality of checklists of data items required to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review; storing the plurality of checklists of data items to be collected; selecting one of the plurality of checklists of data items to be collected based upon the combination of the Credit Classification and the determined Type of Review”. That being the case, Walker cannot, by definition, teach or suggest “creating or updating a case folder for the requestor, the case folder including the selected checklist of data

items to be collected”, as Walker does not teach to select a checklist from a plurality of provided checklists. Therefore, Walker et al. cannot teach or suggest any method that includes a step of creating or updating a case folder that includes a selected one of a plurality of checklists.

For a teaching of “providing a plurality of checklists of data items required to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review; storing the plurality of checklists of data items to be collected; selecting one of the plurality of checklists of data items to be collected based upon the combination of the Credit Classification and the determined Type of Review”, the Office relies upon “Larche/Acosta”, which the undersigned interprets as Larche et al. and/or Acosta et al.

It is respectfully submitted that neither Larche et al. nor Acosta et al. teaches providing a plurality of checklists or selecting one of the plurality of checklists based upon any criteria, and much less based upon “the combination of the Credit Classification and the determined Type of Review”, as claimed herein.

Turning first to Larche et al., the Office states that the subject matter acknowledged to be missing in Walker et al. is taught in Larche et al., at Col. 10, lines 1-11 and Fig. 13. Col. 10, lines 1-11 states:

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During the application completion process, the customer may also press the “Checklist Builder” button 1240, which will scan all of the entered information, the product requirements and the state rules and regulations and then generate a checklist of support paperwork and any other forms that must be completed and submitted for the application to be processed, as seen in FIG. 13. For example, for any piece of property that is entered as possible collateral for a no-down-payment mortgage, the generator will create an entry on the checklist listing copies of the deed and lien papers for that property.

Here, Larche et al. teach that the Checklist builder scans all customer-entered information and generates a checklist of “support paperwork and any other forms that must be completed and submitted for the application to be processed.” Therefore, far from providing and selecting from a plurality of checklists as claimed herein, Larche et al. teach for the customer to enter information and for the customer to press a “checklist Builder” button that will then generate a checklist of support paperwork and other forms that must still be completed for the customer’s application to be considered to be complete. In effect, the customer, by pressing the “Checklist Builder” button, is saying “What’s left to do in my application?”, whereupon the system answers that query by providing the customer with the missing paperwork and other forms necessary for a complete application.

In contrast, the independent claims recite:

providing a plurality of checklists of data items to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review;

storing the plurality of checklists of data items to be collected;

selecting one of the plurality of checklists of data items to be collected based upon the combination of the assigned Credit Classification and the determined Type of Review.

Larche et al., whether considered alone or in combination with Walker et al., does not teach or suggest providing such a plurality of checklists of data items or selecting one of the provided plurality of checklists of data items. Note that the claimed steps occur before the data items in the selected checklist are collected from the customer, as specifically claimed herein, as claim 1 recites:

collecting each required data item of the selected checklist and storing each collected data item in the case folder;

That is, it is the data items of the selected checklist (making the selection of the checklist a condition precedent) that are collected in this step. Larche et al. do not teach or suggest such a step, as the “Checklist Builder” button of their application merely analyzes the information already provided by the customer to date, and generates support paperwork and other required forms, but does not teach or suggest, alone or in combination with Walker et al., providing or selecting a checklist of data items before the customer provides the data items enumerated in the selected checklist. Also, Larch et al. do not teach “selecting” one of a plurality of checklists. A “checklist” is provided in Larche et al., but not a plurality thereof, and the customer does not select “one of the plurality of checklists”, as no such plurality are provided. This shortcoming alone is believed to be fatal to the Office’s rejection.

The Office also points to Acosta et al., at Col. 9, lines 50-60 for a teaching of

providing a plurality of checklists of data items to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review;

storing the plurality of checklists of data items to be collected;

selecting one of the plurality of checklists of data items to be collected based upon the combination of the assigned Credit Classification and the determined Type of Review

However, Acosta et al., at Col. 10, lines 50-60:

The server 27 has access to the records for each loan 50 origination and loan servicing in the portfolio as well as the rules which comprise each current and historical legal regulation and any investor-specific parameter applicable to each type of loan or loan servicing. The system also includes a set of selectable audit criteria and a computer program 55 adapted to automatically select an audit sample subset of loan records or loan servicing records which meet the selected audit criteria and to automatically create and transmit to an auditor/client workstation a checklist appropriating to the selected audit criteria. 60

This passage details what Acosta et al.'s server 27 has access to (the records for each loan origination and loan servicing in the portfolio and rules), and explains that the server 27 includes a computer program that is adapted to select an audit sample subset of loan records or loan servicing records which meet selectable audit criteria. This computer program may then automatically create and transmit to an auditor or client workstation a checklist "appropriating" [sic, appropriate] to the selected audit criteria. That is, an auditor can generate an audit report of selected loan records or loan servicing records based upon selectable criteria. Acosta et al., therefore, do not teach or suggest, whether considered alone or in combination with Walker et al. and/or Larche et al., "providing a plurality of checklists of data items to be collected, the data items of each provided checklist being determined at least by a combination of the assigned Credit Classification and the determined Type of Review; storing the plurality of checklists of data items to be collected; selecting one of the plurality of checklists of data items to be collected based upon the combination of the assigned Credit Classification and the determined Type of Review", as claimed. Indeed, in both Larche et al. and Acosta et al., the checklist is not a checklist of data items to be collected, but items remaining to be collected in a predefined list (see, e.g., Fig. 13 of Larche et al.) and loan records or loan servicing records selected according to selectable audit criteria (Acosta et al.). In Larche et al., the items to be collected are predefined, and the "Checklist Builder" merely makes a list of all items of the predefined list that are required, but are yet to be collected. In contrast, the claimed embodiments call for the selection step to select from among a plurality of checklist, which selection determines which data items are to be collected from the customer, which is unsuggested in the applied combinations. Moreover, Acosta et al. do not select one of a plurality of checklists as required by the claims, and much less selected one of a plurality of checklist of data items based upon the

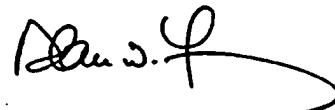
combination of the assigned Credit Classification and the determined Type of Review, as also claimed herein, whether considered alone or in combination with Walker et al. and/or Larche et al. In Acosta et al, as in Larche et al., only a single “checklist” is provided, whereas the claims require a plurality of such checklists to be provided, from one checklist is selected. This shortcoming of Acosta et al. is also believed to be fatal to the Office’s rejection.

Moreover, in Acosta et al., audits are, by definition, snapshots of past events, and cannot be analogized to selecting from among a plurality of checklist of data items to be collected, as claimed. Moreover, neither of these secondary references, whether considered alone or in combination with the primary reference to Walker et al., teaches or suggests collecting data items (as claimed) of a checklist selected from among a plurality of provided checklists, whether such selection of checklists is based upon a combination of the assigned Credit Classification and the determined Type of Review, or any other basis.

It is respectfully submitted that although both secondary references include the term “checklist”, such terms are used in a different manner and for wholly different purposes as is the same term is used in the claimed embodiments. The presence of such term in the secondary references would not, without more, teach or suggest the claimed embodiments to a person of ordinary skill in the art at the time the inventions were made, as neither audits of loan records nor a checklist of items remaining to be provided provide any motivation to the skilled artisan to develop the claimed embodiments, as the secondary references neither provide nor suggest the subject matter acknowledged to be missing from the primary reference to Walker et al. As such, it is respectfully submitted that the applied 35 U.S.C. §103(a) rejections are untenable and should, therefore, be withdrawn. The same is, therefore, respectfully requested.

Applicants' attorney respectfully submits the present application is in condition for allowance and passage to issue. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is needed will be done immediately.

Respectfully submitted,



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By: _____

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